

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JOSEPH LOREN PRICE,)
Plaintiff,)
vs.) Cause No.: CIV-24-769-R
STATE OF OKLAHOMA, ex rel.,)
THE OKLAHOMA STATE)
DEPARTMENT OF EDUCATION, and)
RYAN WALTERS, in his official capacity)
as the Superintendent of Public Instruction)
for the State of Oklahoma,)
Defendants.)

DEFENDANTS' NOTICE OF REMOVAL

COMES NOW the Defendants, the State of Oklahoma ex rel. Oklahoma State Department of Education and Ryan Walters in his official capacity as Superintendent of Public Instruction, (“Defendants”) and request and provide notice of removal of Cause No. CJ-2024-151 (“state court action”) from the District Court of Mayes County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support thereof the Defendants provide as follows.

AUTHORITY FOR REMOVAL

1. The Plaintiff’s claims in the state court action present a federal question.
2. Removal is proper and warranted pursuant to 28 U.S.C. §§1331, 1441, 1446, and Rule 11 of the Federal Rules of Civil Procedure.

SUMMARY OF STATE COURT ACTION

3. On or about June 27th, 2024, Defendant, Ryan Walters announced a policy requiring the teaching about the Bible in every state school classroom in Oklahoma.

4. Plaintiff Joseph Loren Price (“Plaintiff”) commenced the state court action with the filing of his original Petition on June 27th, 2024, in the District Court of Mayes County, in the State of Oklahoma.
5. Plaintiff served Defendants on July 17th, 2024.
6. The removal of the State Court Action by the Defendants is timely under 28 U.S.C. § 1446(b), as the Defendants are removing the State Court Action within thirty (30) days of being served with the Petition.
7. Plaintiff’s Petition asserts claims in purported violation of the First Amendment of the United States Constitution through the Establishment Clause that prohibits the government from making any law “respecting an establishment of religion.”
8. Plaintiff alleges, *inter alia*, that he is a concerned citizen and parent of child(ren) attending public schools in Oklahoma.
9. Plaintiff asserts his claims arise out of claimed violation of the Establishment Clause of the First Amendment to the United States Constitution and alleged violation of Article II, Section 5, of the Oklahoma Constitution.

JURISDICTION

10. The state court action is removable to this honorable Court pursuant to 28 U.S.C. § 1441 based on federal question jurisdiction. Any civil action brought in a state court may be removed without regard to the citizenship of the parties to the District Court of the United States having original jurisdiction over all civil actions arising under the Constitution and laws of the United States.

11. Plaintiff's Petition specifically asserts a cause of action against Defendants seeking relief under the Establishment Clause of the First Amendment of the U.S. Constitution.
12. Because the Plaintiff has asserted claims under federal law, the Plaintiff's claims arise out of the laws of the United States.
13. The United States District Court for the Western District of Oklahoma also possesses supplemental jurisdiction over Plaintiff's state law claim under 28 U.S.C. § 1337 as follows:
 - a. Plaintiff's claim pursuant to the Oklahoma Constitution is part of the same case or controversy as Plaintiff's claim under the United States Constitution.
14. Assuming arguendo without conceding, that supplemental jurisdiction over the Oklahoma constitutional claim would be improper, the entire State Court Action is still removable pursuant to 28 U.S.C. § 1441(c)(1)(B).

COMPLIANCE WITH REMOVAL REQUIREMENTS

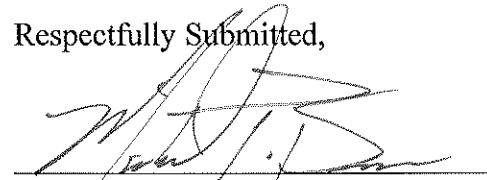
15. The State Court Action was originally filed in the District Court of Mayes County, in the State of Oklahoma, as Cause No. CJ-2023-5054, by the Plaintiff against the Defendants.
16. In compliance with 28 U.S.C. § 1446(a), all papers, pleadings, and indexes that have been filed or served upon the Defendants in the state court action are attached hereto and incorporated fully by reference as Exhibit 1.
17. In compliance with Local Rule 81.2(a), a copy of the state court docket sheet is attached hereto and incorporated fully by reference as Exhibit 2.

18. Defendants will serve a copy of this Notice of Removal on Plaintiff, who is a Pro Se Litigant and will file a copy with the District Court of Mayes County, State of Oklahoma, as required by 28 U.S.C. § 1446(d).
19. A copy of the Notice of Removal filed with the District Court of Mayes County and served upon the Plaintiff as a Pro Se Litigant will be filed with this Court, after filing is completed.
20. If any question arises as to the propriety of the removal of this action, Defendants request the opportunity to present brief argument in support of its position that this case is removable.
21. The Defendants consent to the removal of the State Court Action and intend to separately file a written consent with this Court upon the filing of this Notice of Removal.

PRAYER

WHEREFORE, premises considered, the Defendants pray that the state court action be removed to this Court for trial and determination, that all further proceedings in the State Court Action be stayed, and the Defendant have all additional relief to which they may be justly entitled.

Respectfully Submitted,

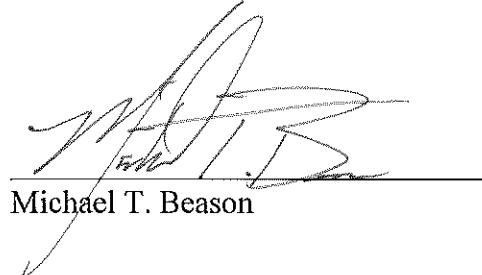


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CERTIFICATE OF DELIVERY

I, the undersigned, certify that a true and correct copy of this document was delivered to the following recipient(s) on July 26th, 2024.

Joseph Price
5790 E. 620 Road
Locust Grove, OK 74352
Pro Se litigant
Via regular U.S. mail



Michael T. Beason